

**MINUTES**  
**UTAH**  
**PHYSICIANS LICENSING BOARD**  
**MEETING**

**April 11, 2007**

**North Conference Room – 1<sup>st</sup> Floor – 8:30 a.m.**  
**Heber Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED:** 8:37

**ADJOURNED:** 2:01 p.m.

**Bureau Manager:**  
**Board Secretary:**

Diana Baker  
Shirlene Kimball

**Conducting:**

George Pingree, Chair

**Board Members Present:**

George Pingree, MD  
Mason Stout, MD  
Sharon Weinstein, MD  
Michael Giovanniello, MD  
John Bennion, Ph.D., public member  
Marc Babitz, MD  
Curtis Canning, MD  
Lori Buhler, public member  
James Fowler, MD  
Stephen Lamb, MD

**Board Members Excused:**

Richard Sperry, MD

**DOPL Staff Present:**

David Stanley, Division Director

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**  
**MINUTES:**

The March 14, 2007 minutes were approved as written.

Agenda review by Diana Baker:

Ms. Baker gave a brief overview of the probationers and applicants meeting with the Board today. She reported Dr. Sellers has been re-scheduled for next month.

Follow-up report on Darrell Anderson and Michael Goates:

Ms. Baker indicated several charts submitted by Dr. Anderson were reviewed by Dr. Canning. Dr.

Canning will report his findings to the Board and the Board will need to determine what action needs to be taken.

At the last meeting, Dr. Goates had questioned whether or not he needed to provide record review reports. Ms. Baker indicated this requirement was terminated in May 2006 and he does not need to submit record review reports.

#### **INTERVIEWS:**

Philip Washburn:

Dr. Washburn submitted a letter of explanation to the Board regarding the concerns expressed last month. However, he only submitted documentation of the prescription medication Ambien and did not respond to the other medications on the list. Dr. Weinstein also indicated after reviewing the triplicate prescriptions, it appears someone other than Dr. Washburn wrote 4 prescriptions and those prescriptions were not signed. Dr. Washburn also continues to write prescriptions for patients that are not showing up on the controlled substance database. Board members had requested he find out if the patient had filled the prescriptions or if the prescriptions were filled and there is a problem with the pharmacy. He has not followed-up with this request.

Dr. Washburn met with the Board and was interviewed by Dr. Weinstein. Dr. Washburn brought with him several patient files, however, indicated he did not have files for patients seen in the hospital. Dr. Washburn explained the two different number sequences on the prescriptions. Dr. Washburn also reviewed the four prescriptions in question and stated he did not write those prescriptions. He indicated the prescriptions were written by the office manager and they were either telephoned or faxed prescriptions. Board members indicated that Dr. Washburn needs to make sure that a notation is documented on the copies that prescriptions were either telephoned or faxed to the pharmacy, the number and location of the pharmacy, who made the call, and that all prescriptions in a patient's file are dated and signed. Dr. Washburn indicated he could not find any information on one of the individuals on the controlled substance database. The second individual was in the hospital and Dr. Washburn indicated he spoke with the sister, who is the caregiver.

Board members are requesting that Dr. Washburn return again next month with the following information: 1). Written clarification regarding documentation of telephone and fax prescription orders. 2). Follow up on those patients having received prescriptions listed on the controlled substance data base, but do not have a triplicate copy. 3). If the individual listed on the controlled substance database is not a patient, Dr. Washburn needs to indicate in a letter they are not his patients. 4). Submit in writing the results of his research into whether his patient is filling and taking prescribed medications. If that individual has filled the prescriptions, he needs to find out where the prescriptions have been filled so that the Division can follow through with the pharmacy for failure to submit this information to the database. 5). Have his office manager meet with the Board at the next meeting to discuss his role in the monitoring of controlled substances for Dr. Washburn. A decision regarding safe practice and prescribing of controlled substances will be determined next month.

David Aune:

Dr. Aune was interviewed by Ms. Buhler. Dr. Aune submitted the therapist report, PIR and 12-step meeting attendance reports and copies of his prescriptions. The only document missing is the aftercare report and Dr. Aune indicated he will contact the therapist and have it submitted by the end of the day. Dr. Aune stated his recovery is going well. He indicated he is not currently practicing and had lost his job because Blue Cross Insurance had taken him off their insurance panel. Dr. Aune is receiving prescriptions from more than one prescribing practitioner and his Order only allows for one prescribing practitioner. Dr. Babitz made a Motion to amend Dr. Aune's Order to allow for mood altering prescriptions from one practitioner and all other medications from another practitioner. He will still need to fill the prescriptions at one pharmacy. The Motion was seconded. All Board members in favor.

Terrell Sellers:

Dr. Sellers requested he be excused. He is teaching a class and did not receive notice of the rescheduled appointment in time to make other arrangements.

Jason Church:

Dr. Pingree conducted the interview. Dr. Church

finished his Ohio residency and has moved back to Utah. He will be joining Southcare Network in Magna and will also work at Pioneer Valley Hospital. He submitted a practice plan for review and approval. Dr. Church indicated he will maintain compliance with the Ohio Board of Medicine requirements and questioned if Utah would allow the medical director at Southcare to both monitor and supervise his practice. Ms. Baker reviewed his Order and it does not require two separate individuals as supervisors. Dr. Weinstein made a Motion to approve the practice plan. Ms. Buhler seconded the Motion. All Board members in favor.

Layfe Anthony:

Dr. Babitz conducted the interview. Dr. Anthony submitted a new practice plan working part-time at the Davis County Jail and as a medical director consultant with a laser hair removal clinic in Bountiful. Ms. Baker indicated that if Dr. Anthony has not received training in laser hair removal, he cannot accept the position as the medical director for that clinic. Dr. Anthony could lease the office space, but would have to decline as the medical director for the laser hair removal clinic until he receives sufficient training. Dr. Babitz made a Motion to approve the part-time position as treating physician for the inmates at the Davis County Jail, but he can not act as consultant for the medical spa in Bountiful. Dr. Weinstein seconded the Motion. The Motion was amended that at least 10% of the charts be reviewed by Dr. Anthony's current supervisors, or else he will need to have the medical director in the jail review his charts and provide reports to the Board. Dr. Anthony indicated he will let Ms. Baker know how the charts can be reviewed by his supervisors. All Board members in favor with the amendment.

Mark Brown,  
New Applicant:

Dr. Bennion conducted the telephone interview. Dr. Brown explained the circumstances for the leave of absence during his residency program. Dr. Giovanniello made a Motion to approve Dr. Brown for licensure. The Motion was seconded. Discussion: There is some concern the Board did not receive information from the residency director other than the form indicating Dr. Brown has satisfactorily completed the residency program. In the future, Board members requested that documentation be

received from the residency program director if there are any questions. Dr. Pingree opposed the Motion. All other Board members in favor of the Motion to approve Dr. Brown for licensure.

Brian Riddle, Phone Interview:

Dr. Fowler conducted the interview. Dr. Riddle indicated he has moved to Arizona, but does not plan on seeking licensure there. He is not currently working, but does not want to surrender his license. He indicated he is seeking a therapist in Arizona and will continue to meet the terms and conditions in his Order. Board members would like to continue to meet with him every six months and this can be conducted by telephone. If he returns to practice, he will need to notify the Board.

Roger Lewis,  
New Order:

Dr. Lamb conducted the interview. Dr. Lewis explained the circumstances that brought him before the Board. He indicated he was the medical director for an alternative medical clinic in Springville from 2000 to 2005. He indicated the clinic is no longer in operation and he is not currently practicing. He indicated once his license is returned, he will open a small practice in his home. His license is suspended until he completes CPEP. Dr. Lewis stated he understands the terms and conditions of the Order and will be going to CPEP in May.

Lance Hewitt,  
New Order:

Dr. Hewitt did not appear for his scheduled interview.

Paul Wyatt,  
New Applicant:

Dr. Babitz conducted the interview. Dr. Wyatt submitted an application for licensure in Utah and met with the Board to explain the actions on his Wyoming and Minnesota license. Dr. Wyatt indicated he had one minor incident that occurred in Minnesota and entered an agreement for corrective action. He stated that the Minnesota action was non-disciplinary and Wyoming issued a disciplinary Order based on the action taken in Minnesota. Dr. Wyatt indicated that a competitor had filed a complaint against him in Wyoming and his Wyoming license was restricted to medical ophthalmology for eyeglasses only. Dr. Wyatt indicated he had an evaluation from Dr. Crookston that was submitted to the Wyoming Board as part of the terms and conditions of his Order there. The Wyoming Board also required Dr. Wyatt to

receive additional training from the Moran Eye Center. He has petitioned the Wyoming Board for removal of the restrictions and a Wyoming hearing has been scheduled for June.

Dr. Wyatt questioned whether or not the Board would grant him a license in Utah before the action was cleared in Wyoming. Board members indicated they could grant a license with the same conditions or with greater restriction. However, Dr. Lamb indicated that a summary suspension is serious and would like more information from the Wyoming Board.

Dr. Weinstein made a Motion to grant a restricted license to practice medical ophthalmology (non surgical) only pending receipt of addition documentation that might substantiate the issuance of an unrestrictive license. The issuance of an unrestricted license would not be considered until after the Wyoming Medical Board Hearing. Dr. Babitz seconded the Motion. Dr. Pingree was recused because of a previous relationship with Dr. Wyatt and communication with him prior to this interview. All other Board members in favor. Dr. Wyatt can meet with the Board again in July after the Wyoming Hearing and present whatever documentation he feels would help the Board in making a decision to advise issuance of an unrestricted license.

Discussion Regarding the National  
Provider Identifier Number that needs  
to be in place by May 23, 2007:

Ms. Baker indicated the Pharmacy Board requested recommendations from the Physician's Licensing Board regarding the National Provider Identifier number and what the recommendation is if the prescriber does not have an identifier number by May 23, 2007. If the prescriber does not have an identifier number, the insurance will not pay for prescriptions. Board members stated that the ID number does not have to be on the prescription pad and it will be up to the pharmacy to contact the prescriber for the number. Dr. Weinstein stated that the prescription and insurance plans will have the numbers. The prescriber must make sure his/her office staff has permission to provide this number to the pharmacy.

Follow Up On Darrell Anderson:

Dr. Canning reviewed the information provided by Dr. Anderson. Dr. Canning indicated some charts did not include a diagnosis. It appears that in some charts, Dr.

Anderson has gone back and written over his notes. Many billings are over the standard hour and he has left off some codes for billing. There appears to be a pattern where he goes back in his notes and fills in the blanks after the fact. He still has not found a supervisor and has not submitted documentation regarding his progress in finding a supervisor. He remains out of compliance with the Order. He has been out of compliance 4 of the last 5 meetings. Board members are concerned he is not sufficiently managing his practice, there is no evidence he is documenting appropriately and he does not appear to have a treatment plan in place. Dr. Canning made a Motion to refer Dr. Anderson for an Order to Show Cause Hearing. Dr. Weinstein seconded the Motion. All Board members in favor.

Review Frederick Gonzales Application For Licensure. Yes Answer On The Qualifying Questionnaire:

Dr. Lamb reviewed the application and made a Motion to have Dr. Gonzales meet with the Board to explain the nine major malpractice suits over a six-year period. Dr. Babitz seconded the Motion. All Board members in favor.

Applications Approved By The Division:

Kevin Jansen, MD  
Monica Revelo Penafiel, MD  
Tracy Manuck, MD  
Charles Davis, MD  
John Robison, MD  
Jason Blaser, MD  
Albert Dal Canto, MD  
David Row, MD  
Todd Kelley, MD  
Anita Shelgikar, MD  
Meyer Proler, MD  
Robert McDivitt, MD  
Jonathan Meyers, MD  
Eric Hooley, MD  
Susan Williams, MD  
Ameet Daftary, MD  
Chad Harston, MD  
Kevin Jensen, MD  
Karin Hoeg, MD  
Jennifer Hames, MD  
Nicole Draper, MD  
James Howard, MD  
Vijayasree Kudithipudi, MD  
David Rockbank, MD

Jonathan Peterson, MD  
Kevin Balter, MD  
John Hoy, MD  
John Rampton, MD  
Sey Lau, MD  
Thomas Davis, MD  
Ximena Romero, MD  
Elema Cardenas, MD  
Scott Bishop, MD  
Scott McFarland, MD  
Anne Thomas-Rich, MD  
Mike Bovos, MD  
Peter Bodnar, MD  
Rafael Magana, MD  
Brian McCune, MD  
Robert Leach, MD  
Wade Jensen, MD  
Matthew Parsons, MD  
David Cottam, MD  
Eric Holley, MD  
Siam Ootamasathien, MD  
David Brown, MD  
Kelly Airey, MD  
Donald LaBarge, MD  
Judd Cummings, MD  
Brent Hjermstad, MD  
Theophilus Owan, MD  
Arin Bunchien, MD  
James Smith, MD

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

May 9, 2007

Date Approved

---

George Pingree, MD Chair Physicians Licensing Board

May 9, 2007

Date Approved

---

Diana Baker, Bureau Manager, Division of Occupational & Professional Licensing